

House File 619 - Enrolled

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1 1 HOUSE FILE 619
1 2
1 3 AN ACT
1 4 RELATING TO CRIMINAL SENTENCING, VICTIM NOTIFICATION, AND
1 5 THE SEX OFFENDER REGISTRY, BY ESTABLISHING A SPECIAL SENTENCE
1 6 FOR CERTAIN OFFENDERS, REQUIRING DNA TESTING OF CERTAIN
1 7 OFFENDERS AND LENGTHENING THE TIME AN INFORMATION OR
1 8 INDICTMENT MAY BE FOUND IN CERTAIN OFFENSES WHERE DNA
1 9 EVIDENCE IS AVAILABLE, REQUIRING SEX OFFENDER TREATMENT IN
1 10 ORDER TO ACCUMULATE EARNED TIME, RESTRICTING CERTAIN PERSONS
1 11 FROM RESIDING WITH SEX OFFENDERS, ESTABLISHING A SEX
1 12 OFFENDER TREATMENT AND SUPERVISION TASK FORCE, PROVIDING
1 13 PENALTIES, AND PROVIDING EFFECTIVE DATES.
1 14
1 15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 16
1 17 DIVISION I
1 18 DNA PROFILING
1 19 Section 1. NEW SECTION. 81.1 DEFINITIONS.
1 20 As used in this chapter, unless the context otherwise
1 21 requires:
1 22 1. "DNA" means deoxyribonucleic acid.
1 23 2. "DNA data bank" means the repository for DNA samples
1 24 obtained pursuant to section 81.4.
1 25 3. "DNA database" means the collection of DNA profiles and
1 26 DNA records.
1 27 4. "DNA profile" means the objective form of the results
1 28 of DNA analysis performed on a DNA sample. The results of all
1 29 DNA identification analysis on an individual's DNA sample are
1 30 also collectively referred to as the DNA profile of an
1 31 individual.
1 32 5. "DNA profiling" means the procedure established by the
1 33 division of criminal investigation, department of public
1 34 safety, for determining a person's genetic identity.
1 35 6. "DNA record" means the DNA sample and DNA profile, and
2 1 other records in the DNA database and DNA data bank used to
2 2 identify a person.
2 3 7. "DNA sample" means a biological sample provided by any
2 4 person required to submit a DNA sample or a DNA sample
2 5 submitted for any other purpose under section 81.4.
2 6 8. "Person required to submit a DNA sample" means a person
2 7 convicted, adjudicated delinquent, receiving a deferred
2 8 judgment, or found not guilty by reason of insanity of an
2 9 offense requiring DNA profiling pursuant to section 81.2.
2 10 "Person required to submit a DNA sample" also means a person
2 11 determined to be a sexually violent predator pursuant to
2 12 section 229A.7.
2 13 Sec. 2. NEW SECTION. 81.2 PERSONS REQUIRED TO SUBMIT A
2 14 DNA SAMPLE.
2 15 1. A person who receives a deferred judgment for a felony
2 16 or against whom a judgment or conviction for a felony has been
2 17 entered shall be required to submit a DNA sample for DNA
2 18 profiling pursuant to section 81.4.
2 19 2. A person determined to be a sexually violent predator
2 20 pursuant to chapter 229A shall be required to submit a DNA
2 21 sample for DNA profiling pursuant to section 81.4 prior to
2 22 discharge or placement in a transitional release program.
2 23 3. A person found not guilty by reason of insanity of an
2 24 offense that requires DNA profiling shall be required to
2 25 submit a DNA sample for DNA profiling pursuant to section 81.4
2 26 as part of the person's treatment management program.
2 27 4. A juvenile adjudicated delinquent of an offense that
2 28 requires DNA profiling of an adult offender shall be required
2 29 to submit a DNA sample for DNA profiling pursuant to section
2 30 81.4 as part of the disposition of the juvenile's case.
2 31 5. An offender placed on probation shall immediately
2 32 report to the judicial district department of correctional
2 33 services after sentencing so it can be determined if the
2 34 offender has been convicted of an offense requiring DNA
2 35 profiling. If it is determined by the judicial district that
3 1 DNA profiling is required, the offender shall immediately
3 2 submit a DNA sample.
3 3 6. A person required to register as a sex offender.
3 4 Sec. 3. NEW SECTION. 81.3 ESTABLISHMENT OF DNA DATABASE
3 5 AND DNA DATA BANK.

3 6 1. A state DNA database and a state DNA data bank are
3 7 established under the control of the division of criminal
3 8 investigation, department of public safety. The division of
3 9 criminal investigation shall conduct DNA profiling of a DNA
3 10 sample submitted in accordance with this section.
3 11 2. A DNA sample shall be submitted, and the division of
3 12 criminal investigation shall store and maintain DNA records in
3 13 the DNA database and DNA data bank for persons required to
3 14 submit a DNA sample.
3 15 3. A DNA sample may be submitted, and the division of
3 16 criminal investigation shall store and maintain DNA records in
3 17 the DNA database and DNA data bank for any of the following:
3 18 a. Crime scene evidence and forensic casework.
3 19 b. A relative of a missing person.
3 20 c. An anonymous DNA profile used for forensic validation,
3 21 forensic protocol development, or quality control purposes, or
3 22 for the establishment of a population statistics database.
3 23 4. A fingerprint record of a person required to submit a
3 24 DNA sample shall also be submitted to the division of criminal
3 25 investigation with the DNA sample to verify the identity of
3 26 the person required to submit a DNA sample.
3 27 Sec. 4. NEW SECTION. 81.4 COLLECTING, SUBMITTING,
3 28 ANALYZING, IDENTIFYING, AND STORING DNA SAMPLES AND DNA
3 29 RECORDS.
3 30 1. The division of criminal investigation shall adopt
3 31 rules for the collection, submission, analysis,
3 32 identification, storage, and disposition of DNA records.
3 33 2. A supervising agency having control, custody, or
3 34 jurisdiction over a person shall collect a DNA sample from a
3 35 person required to submit a DNA sample. The supervising
4 1 agency shall collect a DNA sample, upon admittance to the
4 2 pertinent institution or facility, of the person required to
4 3 submit a DNA sample or at a determined date and time set by
4 4 the supervising agency. If a person required to submit a DNA
4 5 sample is confined at the time a DNA sample is required, the
4 6 person shall submit a DNA sample as soon as practicable. If a
4 7 person required to submit a DNA sample is not confined after
4 8 the person is required to submit a DNA sample, the supervising
4 9 agency shall determine the date and time to collect the DNA
4 10 sample.
4 11 3. A person required to submit a DNA sample who refuses to
4 12 submit a DNA sample may be subject to contempt proceedings
4 13 pursuant to chapter 665 until the DNA sample is submitted.
4 14 4. The division of criminal investigation shall conduct
4 15 DNA profiling on a DNA sample or may contract with a private
4 16 entity to conduct the DNA profiling.
4 17 Sec. 5. NEW SECTION. 81.5 CIVIL AND CRIMINAL LIABILITY
4 18 == LIMITATION.
4 19 A person who collects a DNA sample shall not be civilly or
4 20 criminally liable for the collection of the DNA sample if the
4 21 person performs the person's duties in good faith and in a
4 22 reasonable manner according to generally accepted medical
4 23 practices or in accordance with the procedures set out in the
4 24 administrative rules of the department of public safety
4 25 adopted pursuant to section 81.4.
4 26 Sec. 6. NEW SECTION. 81.6 CRIMINAL OFFENSE.
4 27 1. A person who knowingly or intentionally does any of the
4 28 following commits an aggravated misdemeanor:
4 29 a. Discloses any part of a DNA record to a person or
4 30 agency that is not authorized by the division of criminal
4 31 investigation to have access to the DNA record.
4 32 b. Uses or obtains a DNA record for a purpose other than
4 33 what is authorized under this chapter.
4 34 2. A person who knowingly or intentionally alters or
4 35 attempts to alter a DNA sample, falsifies the source of a DNA
5 1 sample, or materially alters a collection container used to
5 2 collect the DNA sample, commits a class "D" felony.
5 3 Sec. 7. NEW SECTION. 81.7 CONVICTION OR ARREST NOT
5 4 INVALIDATED.
5 5 The detention, arrest, or conviction of a person based upon
5 6 a DNA database match is not invalidated if it is determined
5 7 that the DNA sample or DNA profile was obtained or placed into
5 8 the DNA database by mistake or error.
5 9 Sec. 8. NEW SECTION. 81.8 CONFIDENTIAL RECORDS.
5 10 1. A DNA record shall be considered a confidential record
5 11 and disclosure of a DNA record is only authorized pursuant to
5 12 this section.
5 13 2. Confidential DNA records under this section may be
5 14 released to the following agencies for law enforcement
5 15 identification purposes:
5 16 a. Any criminal or juvenile justice agency as defined in

5 17 section 692.1.

5 18 b. Any criminal or juvenile justice agency in another
5 19 jurisdiction that meets the definition of a criminal or
5 20 juvenile justice agency as defined in section 692.1.

5 21 3. The division of criminal investigation shall share the
5 22 DNA record information with the appropriate federal agencies
5 23 for use in a national DNA database.

5 24 4. A DNA record or other forensic information developed
5 25 pursuant to this chapter may be released for use in a criminal
5 26 or juvenile delinquency proceeding in which the state is a
5 27 party and where the DNA record or forensic information is
5 28 relevant and material to the subject of the proceeding. Such
5 29 a record or information may become part of a public transcript
5 30 or other public recording of such a proceeding.

5 31 5. A DNA record or other forensic information may be
5 32 released pursuant to a court order for criminal defense
5 33 purposes to a defendant, who shall have access to DNA samples
5 34 and DNA profiles related to the case in which the defendant is
5 35 charged.

6 1 Sec. 9. NEW SECTION. 81.9 EXPUNGEMENT OF DNA RECORDS.

6 2 1. A person whose DNA record has been included in the DNA
6 3 database or DNA data bank established pursuant to section 81.3
6 4 may request, in writing to the division of criminal
6 5 investigation, expungement of the DNA record from the DNA
6 6 database and DNA data bank based upon the person's conviction,
6 7 adjudication, or civil commitment which caused the submission
6 8 of the DNA sample being reversed on appeal and the case
6 9 dismissed. The written request shall contain a certified copy
6 10 of the final court order reversing the conviction,
6 11 adjudication, or civil commitment, and a certified copy of the
6 12 dismissal, and any other information necessary to ascertain
6 13 the validity of the request.

6 14 2. The division of criminal investigation, upon receipt of
6 15 a written request that validates reversal on appeal of a
6 16 person's conviction, adjudication, or commitment, and
6 17 subsequent dismissal of the case, or upon receipt of a written
6 18 request by a person who voluntarily submitted a DNA sample
6 19 pursuant to section 81.3, subsection 3, paragraph "b", shall
6 20 expunge all of the DNA records and identifiable information of
6 21 the person in the DNA database and DNA data bank. However, if
6 22 the division of criminal investigation determines that the
6 23 person is otherwise obligated to submit a DNA sample, the DNA
6 24 records shall not be expunged. If the division of criminal
6 25 investigation denies an expungement request, the division
6 26 shall notify the person requesting the expungement of the
6 27 decision not to expunge the DNA record and the reason
6 28 supporting its decision. The division of criminal
6 29 investigation decision is subject to judicial review pursuant
6 30 to chapter 17A. The department of public safety shall adopt
6 31 rules governing the expungement procedure and a review
6 32 process.

6 33 3. The division of criminal investigation is not required
6 34 to expunge or destroy a DNA record pursuant to this section,
6 35 if expungement or destruction of the DNA record would destroy
7 1 evidence related to another person.

7 2 Sec. 10. NEW SECTION. 81.10 DNA PROFILING AFTER
7 3 CONVICTION.

7 4 1. A defendant who has been convicted of a felony and who
7 5 has not been required to submit a DNA sample for DNA profiling
7 6 may make a motion to the court for an order to require that
7 7 DNA analysis be performed on evidence collected in the case
7 8 for which the person stands convicted.

7 9 2. The motion shall state the following:

7 10 a. The specific crimes for which the defendant stands
7 11 convicted in this case.

7 12 b. The facts of the underlying case, as proven at trial or
7 13 admitted to during a guilty plea proceeding.

7 14 c. Whether any of the charges include sexual abuse or
7 15 involve sexual assault, and if so, whether a sexual assault
7 16 examination was conducted and evidence preserved, if known.

7 17 d. Whether identity was at issue or contested by the
7 18 defendant.

7 19 e. Whether the defendant offered an alibi, and if so,
7 20 testimony corroborating the alibi and, from whom.

7 21 f. Whether eyewitness testimony was offered, and if so
7 22 from whom.

7 23 g. Whether any issues of police or prosecutor misconduct
7 24 have been raised in the past or are being raised by the
7 25 motion.

7 26 h. The type of inculpatory evidence admitted into evidence
7 27 at trial or admitted to during a guilty plea proceeding.

7 28 i. Whether blood testing or other biological evidence
7 29 testing was conducted previously in connection with the case
7 30 and, if so, by whom and to the result, if known.
7 31 j. What biological evidence exists and, if known, the
7 32 agency or laboratory storing the evidence that the defendant
7 33 seeks to have tested.
7 34 k. Why the requested analysis of DNA evidence is material
7 35 to the issue in the case and not merely cumulative or
8 1 impeaching.
8 2 1. Why the DNA evidence would have changed the outcome of
8 3 the trial or invalidated a guilty plea if DNA profiling had
8 4 been conducted prior to the conviction.
8 5 3. A motion filed under this section shall be filed in the
8 6 county where the defendant was convicted, and notice of the
8 7 motion shall be served by certified mail upon the county
8 8 attorney and, if known, upon the state, local agency, or
8 9 laboratory holding evidence described in subsection 2,
8 10 paragraph "k". The county attorney shall have sixty days to
8 11 file an answer to the motion.
8 12 4. Any DNA profiling of the defendant or other biological
8 13 evidence testing conducted by the state or by the defendant
8 14 shall be disclosed and the results of such profiling or
8 15 testing described in the motion or answer.
8 16 5. If the evidence requested to be tested was previously
8 17 subjected to DNA or other biological analysis by either party,
8 18 the court may order the disclosure of the results of such
8 19 testing, including laboratory reports, notes, and underlying
8 20 data, to the court and the parties.
8 21 6. The court may order a hearing on the motion to
8 22 determine if evidence should be subjected to DNA analysis.
8 23 7. The court shall grant the motion if all of the
8 24 following apply:
8 25 a. The evidence subject to DNA testing is available and in
8 26 a condition that will permit analysis.
8 27 b. A sufficient chain of custody has been established for
8 28 the evidence.
8 29 c. The identity of the person who committed the crime for
8 30 which the defendant was convicted was a significant issue in
8 31 the crime for which the defendant was convicted.
8 32 d. The evidence subject to DNA analysis is material to,
8 33 and not merely cumulative or impeaching of, evidence included
8 34 in the trial record or admitted to at a guilty plea
8 35 proceeding.
9 1 e. DNA analysis of the evidence would raise a reasonable
9 2 probability that the defendant would not have been convicted
9 3 if DNA profiling had been available at the time of the
9 4 conviction and had been conducted prior to the conviction.
9 5 8. Upon the court granting a motion filed pursuant to this
9 6 section, DNA analysis of evidence shall be conducted within
9 7 the guidelines generally accepted by the scientific community.
9 8 The defendant shall provide DNA samples for testing if
9 9 requested by the state.
9 10 9. Results of DNA analysis conducted pursuant to this
9 11 section shall be reported to the parties and to the court and
9 12 may be provided to the board of parole, department of
9 13 corrections, and criminal and juvenile justice agencies, as
9 14 defined in section 692.1, for use in the course of
9 15 investigations and prosecutions, and for consideration in
9 16 connection with requests for parole, pardon, reprieve, and
9 17 commutation. DNA samples obtained pursuant to this section
9 18 may be included in the DNA data bank, and DNA profiles and DNA
9 19 records developed pursuant to this section may be included in
9 20 the DNA database.
9 21 10. A criminal or juvenile justice agency, as defined in
9 22 section 692.1, shall maintain DNA samples and evidence that
9 23 could be tested for DNA for a period of three years beyond the
9 24 limitations for the commencement of criminal actions as set
9 25 forth in chapter 802. This section does not create a cause of
9 26 action for damages or a presumption of spoliation in the event
9 27 evidence is no longer available for testing.
9 28 11. If the court determines a defendant who files a motion
9 29 under this section is indigent, the defendant shall be
9 30 entitled to appointment of counsel as provided in chapter 815.
9 31 12. If the court determines after DNA analysis ordered
9 32 pursuant to this section that the results indicate
9 33 conclusively that the DNA profile of the defendant matches the
9 34 profile from the analyzed evidence used against the defendant,
9 35 the court may order the defendant to pay the costs of these
10 1 proceedings, including costs of all testing, court costs, and
10 2 costs of court-appointed counsel, if any.
10 3 Sec. 11. Section 229A.7, Code 2005, is amended by adding

10 4 the following new subsection:
10 5 NEW SUBSECTION. 5A. If the court or jury determines that
10 6 the respondent is a sexually violent predator, the court shall
10 7 order the respondent to submit a DNA sample for DNA profiling
10 8 pursuant to section 81.4.
10 9 Sec. 12. Section 232.52, Code 2005, is amended by adding
10 10 the following new subsection:
10 11 NEW SUBSECTION. 10. The court shall order a juvenile
10 12 adjudicated a delinquent for an offense that requires DNA
10 13 profiling under section 81.2 to submit a DNA sample for DNA
10 14 profiling pursuant to section 81.4.
10 15 Sec. 13. Section 669.14, Code 2005, is amended by adding
10 16 the following new subsection:
10 17 NEW SUBSECTION. 15. Any claim arising from or related to
10 18 the collection of a DNA sample for DNA profiling pursuant to
10 19 section 81.4 or a DNA profiling procedure performed by the
10 20 division of criminal investigation, department of public
10 21 safety.
10 22 Sec. 14. Section 901.5, subsection 8A, Code 2005, is
10 23 amended to read as follows:
10 24 8A. a. The court shall order DNA profiling of a defendant
10 25 convicted of an offense that requires profiling under section
10 26 ~~13.10~~ 81.2.
10 27 b. Notwithstanding section ~~13.10~~ 81.2, the court may order
10 28 the defendant to provide a ~~physical specimen~~ DNA sample to be
10 29 submitted for DNA profiling if appropriate. In determining
10 30 the appropriateness of ordering DNA profiling, the court shall
10 31 consider the deterrent effect of DNA profiling, the likelihood
10 32 of repeated offenses by the defendant, and the seriousness of
10 33 the offense.
10 34 Sec. 15. Section 906.4, unnumbered paragraph 3, Code 2005,
10 35 is amended to read as follows:
11 1 ~~Notwithstanding section 13.10, the~~ The board may order the
11 2 defendant to provide a physical specimen to be submitted for
11 3 DNA profiling as a condition of parole or work release, if
11 4 ~~appropriate a DNA profile has not been previously conducted~~
11 5 ~~pursuant to chapter 81.~~ In determining the appropriateness of
11 6 ordering DNA profiling, the board shall consider the deterrent
11 7 effect of DNA profiling, the likelihood of repeated offenses
11 8 by the defendant, and the seriousness of the offense.
11 9 Sec. 16. 2002 Iowa Acts, chapter 1080, is repealed.
11 10 Sec. 17. Section 13.10, Code 2005, is repealed.
11 11 Sec. 18. PERSONS REQUIRED TO SUBMIT A DNA SAMPLE PRIOR TO
11 12 EFFECTIVE DATE OF THIS DIVISION OF THIS ACT. A person
11 13 convicted, adjudicated a delinquent, civilly committed as a
11 14 sexually violent predator, or found not guilty by reason of
11 15 insanity, prior to the effective date of this Act, who would
11 16 otherwise be required to submit a DNA sample under this Act,
11 17 and who is under the custody, control, or jurisdiction of a
11 18 supervising agency, shall submit a DNA sample prior to being
11 19 released from the supervising agency's custody, control, or
11 20 jurisdiction.
11 21 Sec. 19. EFFECTIVE DATE. This division of this Act, being
11 22 deemed of immediate importance, takes effect upon enactment.
11 23 DIVISION II
11 24 SEX OFFENDER REGISTRY == TREATMENT == STUDY
11 25 Sec. 20. Section 232.68, subsection 2, Code 2005, is
11 26 amended by adding the following new paragraph:
11 27 NEW PARAGRAPH. i. Cohabitation with a person on the sex
11 28 offender registry under chapter 692A in violation of section
11 29 726.6.
11 30 Sec. 21. Section 692A.1, subsection 8, Code 2005, is
11 31 amended to read as follows:
11 32 8. "Residence" means the place where a person sleeps,
11 33 which may include more than one location, and may be mobile or
11 34 transitory, including a shelter or group home.
11 35 Sec. 22. Section 692A.2, Code 2005, is amended by adding
12 1 the following new subsections:
12 2 NEW SUBSECTION. 1A. If a person is required to register
12 3 for a period of ten years under subsection 1 and the period
12 4 under subsection 1 has expired, the person shall be required
12 5 to remain on the registry if the person has been sentenced to
12 6 a special sentence as required under section 903B.0A or
12 7 903B.0B, for a period equal to the term of the special
12 8 sentence.
12 9 NEW SUBSECTION. 2A. If a person violates any of the
12 10 requirements of section 692A.4, the person shall register for
12 11 an additional ten years beginning from the date the first
12 12 registration period ends as calculated under subsection 1 or
12 13 from the date the special sentence ends under subsection 1A if
12 14 the person received a special sentence, whichever is longer.

12 15 Sec. 23. Section 692A.4, Code 2005, is amended to read as
12 16 follows:

12 17 692A.4 VERIFICATION OF ADDRESS AND TAKING OF PHOTOGRAPH.

12 18 1. The address of a person required to register under this
12 19 chapter shall be verified annually as follows:

12 20 a. On a date which falls within the month in which the
12 21 person was initially required to register, the department
12 22 shall mail a verification form to the last reported address of
12 23 the person. Verification forms shall not be forwarded to the
12 24 person who is required to register under this chapter if the
12 25 person no longer resides at the address, but shall be returned
12 26 to the department.

12 27 b. The person shall complete and mail the verification to
12 28 the department within ten days of receipt of the form.

12 29 c. The verification form shall be signed by the person,
12 30 and state the address at which the person resides. If the
12 31 person is in the process of changing residences, the person
12 32 shall state that fact as well as the old and new addresses or
12 33 places of residence.

12 34 2. Verification of address for a person who has been
12 35 convicted of an offense under the laws of this state or of
13 1 another state which would qualify the person as a sexually
13 2 violent predator shall be accomplished in the same manner as
13 3 in subsection 1, except that the verification shall be done
13 4 every three months at times established by the department.

13 5 3. A photograph of a person required to register under
13 6 this chapter shall be updated, at a minimum, annually. When
13 7 the department mails the address verification notice in
13 8 subsection 1, the department shall also enclose a form
13 9 informing the person to annually submit to being photographed
13 10 by the sheriff of the county of the person's residence within
13 11 ten days of receipt of the address verification form. The
13 12 sheriff shall send the updated photograph to the department
13 13 within ten days of the photograph being taken and the
13 14 department shall post the updated photograph on the sex
13 15 offender registry's web page. The sheriff may require the
13 16 person to submit to being photographed by the sheriff more
13 17 than once a year by mailing another notice informing the
13 18 person to submit to being photographed.

13 19 Sec. 24. NEW SECTION. 692A.4A ELECTRONIC MONITORING.

13 20 A person required to register under this chapter who is
13 21 placed on probation, parole, work release, special sentence,
13 22 or any other type of conditional release, may be supervised by
13 23 an electronic tracking and monitoring system in addition to
13 24 any other conditions of supervision. However, if the person
13 25 committed a criminal offense against a minor, or an aggravated
13 26 offense, sexually violent offense, or other relevant offense
13 27 that involved a minor, the person shall be supervised by an
13 28 electronic tracking and monitoring system in addition to any
13 29 other conditions of release.

13 30 Sec. 25. Section 692A.5, subsection 1, Code 2005, is
13 31 amended by adding the following new paragraph:

13 32 NEW PARAGRAPH. i. Inform the person that the person must,
13 33 at a minimum, annually submit to being photographed by the
13 34 sheriff of the county of the person's residence.

13 35 Sec. 26. Section 692A.13, subsection 3, Code 2005, is
14 1 amended to read as follows:

14 2 3. Any member of the public may contact a county sheriff's
14 3 office or police department to request relevant information
14 4 from the registry regarding a specific person required to
14 5 register under this chapter. ~~The request for information~~
14 6 ~~shall be in writing, and A person making a request for~~
14 7 ~~relevant information may make the request by telephone, in~~
14 8 ~~writing, or in person, and the request shall include the name~~
14 9 ~~of the person and at least one of the following identifiers~~
14 10 ~~pertaining to the person about whom the information is sought:~~

- 14 11 a. The date of birth of the person.
- 14 12 b. The social security number of the person.
- 14 13 c. The address of the person.

14 14 A county sheriff or police department shall not charge a
14 15 fee relating to a request for relevant information.

14 16 Sec. 27. Section 692A.13, subsection 2, paragraph b, Code
14 17 2005, is amended to read as follows:

14 18 b. The general public, including public and private
14 19 agencies, organizations, public places, ~~public and private~~
14 20 ~~schools~~, child care facilities, religious and youth
14 21 organizations, neighbors, neighborhood associations, community
14 22 meetings, and employers. Registry information may be
14 23 distributed to the public through printed materials, visual or
14 24 audio press releases, radio communications, or through a
14 25 criminal or juvenile justice agency's web page.

14 26 Sec. 28. Section 692A.13, Code 2005, is amended by adding
14 27 the following new subsection:
14 28 NEW SUBSECTION. 2A. When a person required to register
14 29 under this chapter moves into a school district or moves
14 30 within a school district, the county sheriff of the county of
14 31 the person's new residence shall provide relevant information
14 32 from the sex offender registry to the administrative office of
14 33 the school district in which the person required to register
14 34 resides, and shall also provide relevant information to any
14 35 private school near the person's residence.

15 1 Sec. 29. Section 692A.13, subsection 5, Code 2005, is
15 2 amended to read as follows:

15 3 5. Relevant information provided to the general public may
15 4 include the offender's name, address, a photograph, the
15 5 results of any risk assessment, locations frequented by the
15 6 offender, relevant criminal history information from the
15 7 registry, and any other relevant information. Relevant
15 8 information provided to the public shall not include the
15 9 identity of any victim. For purposes of inclusion in the sex
15 10 offender registry's web page or dissemination to the general
15 11 public, a conviction for incest shall be disclosed as either a
15 12 violation of section 709.4 or 709.8.

15 13 Sec. 30. NEW SECTION. 692A.13A ASSESSMENT OF RISK.

15 14 1. The department of corrections, the department of human
15 15 services, and the department of public safety shall, in
15 16 consultation with one another, develop methods and procedures
15 17 for the assessment of the risk for persons required to
15 18 register under this chapter on or after the effective date of
15 19 this division of this Act, who have committed a criminal
15 20 offense against a minor, or an aggravated offense, sexually
15 21 violent offense, or other relevant offense that involved a
15 22 minor. The department of corrections, in consultation with
15 23 the department of human services, the department of public
15 24 safety, and the attorney general, shall adopt rules relating
15 25 to assessment procedures. The assessment procedures shall
15 26 include procedures for the sharing of information between the
15 27 department of corrections, department of human services, the
15 28 juvenile court, and the division of criminal investigation of
15 29 the department of public safety, as well as the communication
15 30 of the results of the risk assessment to criminal and juvenile
15 31 justice agencies. The assignment of responsibility for the
15 32 assessment of risk shall be as follows:

15 33 a. The department of corrections or a judicial district
15 34 department of correctional services shall perform the
15 35 assessment of risk for persons who are incarcerated in
16 1 institutions under the control of the director of the
16 2 department of corrections, persons who are under the
16 3 supervision of the department of corrections or a judicial
16 4 district department of correctional services, and persons who
16 5 are under the supervision or control of the department of
16 6 corrections or a judicial district department of correctional
16 7 services through an interstate compact.

16 8 b. The department of human services shall perform the
16 9 assessment of risk for persons who are confined in
16 10 institutions under the control of the director of human
16 11 services, persons who are under the supervision of the
16 12 department of human services, and persons who are under the
16 13 supervision or control of the department of human services
16 14 through an interstate compact.

16 15 c. The division of criminal investigation of the
16 16 department of public safety shall perform the assessment of
16 17 risk for persons who have moved to Iowa but are not under the
16 18 supervision of the department of corrections, a judicial
16 19 district department of correctional services, or the
16 20 department of human services; federal parolees or
16 21 probationers; persons who have been released from a county
16 22 jail but are not under the supervision of the department of
16 23 corrections, a judicial district department of correctional
16 24 services, a juvenile court officer of the judicial branch, or
16 25 the department of human services; and persons who are
16 26 convicted and released by the courts and are not incarcerated
16 27 or placed under supervision pursuant to the court's sentencing
16 28 order. Assessments of persons who have moved to Iowa and
16 29 persons on federal parole or probation shall be performed on
16 30 an expedited basis if the person was reclassified as a person
16 31 with a high degree of likelihood of reoffending by the other
16 32 jurisdiction or the federal government.

16 33 d. A juvenile court officer shall perform the assessment
16 34 of risk for a juvenile who is adjudicated delinquent for a
16 35 criminal offense listed in section 692A.1 and who is under the
17 1 juvenile court officer's supervision.

17 2 2. The department of public safety shall be responsible
17 3 for disclosing the assessment of risk information to a
17 4 criminal or juvenile justice agency for law enforcement,
17 5 prosecution, or for public notification purposes. The results
17 6 of the assessment of risk shall be disclosed as other relevant
17 7 information is disclosed under section 692A.13.

17 8 Sec. 31. Section 726.6, subsection 1, Code 2005, is
17 9 amended by adding the following new paragraph:

17 10 NEW PARAGRAPH. h. Cohabits with a person after knowing
17 11 the person is required to register or is on the sex offender
17 12 registry as a sex offender under chapter 692A. However, this
17 13 paragraph does not apply to a person who is a parent,
17 14 guardian, or a person having custody or control over a child
17 15 or a minor who is required to register as a sex offender, or
17 16 to a person who is married to and living with a person
17 17 required to register as a sex offender.

17 18 Sec. 32. Section 903A.2, subsection 1, paragraph a, Code
17 19 2005, is amended to read as follows:

17 20 a. Category "A" sentences are those sentences which are
17 21 not subject to a maximum accumulation of earned time of
17 22 fifteen percent of the total sentence of confinement under
17 23 section 902.12. To the extent provided in subsection 5,
17 24 category "A" sentences also include life sentences imposed
17 25 under section 902.1. An inmate of an institution under the
17 26 control of the department of corrections who is serving a
17 27 category "A" sentence is eligible for a reduction of sentence
17 28 equal to one and two-tenths days for each day the inmate
17 29 demonstrates good conduct and satisfactorily participates in
17 30 any program or placement status identified by the director to
17 31 earn the reduction. The programs include but are not limited
17 32 to the following:

- 17 33 (1) Employment in the institution.
- 17 34 (2) Iowa state industries.
- 17 35 (3) An employment program established by the director.
- 18 1 (4) A treatment program established by the director.
- 18 2 (5) An inmate educational program approved by the
- 18 3 director.

18 4 However, an inmate required to participate in a sex
18 5 offender treatment program shall not be eligible for a
18 6 reduction of sentence unless the inmate participates in and
18 7 completes a sex offender treatment program established by the
18 8 director.

18 9 An inmate serving a category "A" sentence is eligible for
18 10 an additional reduction of sentence of up to three hundred
18 11 sixty-five days of the full term of the sentence of the inmate
18 12 for exemplary acts. In accordance with section 903A.4, the
18 13 director shall by policy identify what constitutes an
18 14 exemplary act that may warrant an additional reduction of
18 15 sentence.

18 16 Sec. 33. Section 903B.1, Code 2005, is amended by adding
18 17 the following new subsection:

18 18 NEW SUBSECTION. 7. A person who administers
18 19 medroxyprogesterone acetate or any other pharmaceutical agent
18 20 shall not be liable for civil damages for administering such
18 21 pharmaceutical agents pursuant to this chapter.

18 22 Sec. 34. SEX OFFENDER INTERIM STUDY COMMITTEE. The
18 23 legislative council is requested to authorize a study for the
18 24 2005 legislative interim on sexual abuse-related criminal
18 25 offenses and the sex offender registry. The study
18 26 recommendations and findings shall include but are not limited
18 27 to identifying possible changes to sexual abuse-related
18 28 offenses and the sex offender registry. The study report,
18 29 including findings and recommendations, shall be submitted to
18 30 the general assembly for consideration during the 2006
18 31 legislative session. The study shall be conducted by a study
18 32 committee consisting of up to nine members of the general
18 33 assembly. A chairperson or co-chairpersons shall be
18 34 designated by the legislative council.

18 35 DIVISION III
19 1 ENHANCED CRIMINAL PENALTIES AND
19 2 STATUTE OF LIMITATIONS

19 3 Sec. 35. Section 709.8, Code 2005, is amended to read as
19 4 follows:

19 5 709.8 LASCIVIOUS ACTS WITH A CHILD.

19 6 It is unlawful for any person ~~eighteen~~ sixteen years of age
19 7 or older to perform any of the following acts with a child
19 8 with or without the child's consent unless married to each
19 9 other, for the purpose of arousing or satisfying the sexual
19 10 desires of either of them:

- 19 11 1. Fondle or touch the pubes or genitals of a child.
- 19 12 2. Permit or cause a child to fondle or touch the person's

19 13 genitals or pubes.

19 14 3. Solicit a child to engage in a sex act or solicit a
19 15 person to arrange a sex act with a child.

19 16 4. Inflict pain or discomfort upon a child or permit a
19 17 child to inflict pain or discomfort on the person.

19 18 Any person who violates a provision of this section

19 19 involving an act included in subsection 1 or 2 shall, upon

19 20 conviction, be guilty of a class "D" "C" felony. A person who

~~19 21 violates a provision of this section and who is sentenced to a~~

~~19 22 term of confinement shall also be sentenced to an additional~~

~~19 23 term of parole or work release not to exceed two years. The~~

~~19 24 board of parole shall determine whether the person should be~~

~~19 25 released on parole or placed in a work release program. The~~

~~19 26 sentence of an additional term of parole or work release~~

~~19 27 supervision shall commence immediately upon the expiration of~~

~~19 28 the preceding sentence and shall be under the terms and~~

~~19 29 conditions as set out in chapter 906. Violations of parole or~~

~~19 30 work release shall be subject to the procedures set out in~~

~~19 31 chapter 905 or 908 or rules adopted under those chapters. The~~

~~19 32 sentence of an additional term of parole or work release shall~~

~~19 33 be consecutive to the original term of confinement. Any~~

~~19 34 person who violates a provision of this section involving an~~

~~19 35 act included in subsection 3 or 4 shall, upon conviction, be~~

~~20 1 guilty of a class "D" felony.~~

20 2 Sec. 36. Section 802.2, Code 2005, is amended to read as

20 3 follows:

20 4 802.2 SEXUAL ABUSE == FIRST, SECOND, OR THIRD DEGREE.

20 5 1. An information or indictment for sexual abuse in the

20 6 first, second, or third degree committed on or with a person

20 7 who is under the age of eighteen years shall be found within

20 8 ten years after the person upon whom the offense is committed

20 9 attains eighteen years of age, or if the identity of the

20 10 person against whom the information or indictment is sought is

20 11 established through the use of a DNA profile, an information

20 12 or indictment shall be found within three years from the date

20 13 the identity of the person is identified by the person's DNA

20 14 profile, whichever is later.

20 15 2. An information or indictment for any other sexual abuse

20 16 in the first, second, or third degree shall be found within

20 17 ten years after its commission, or if the identity of the

20 18 person against whom the information or indictment is sought is

20 19 established through the use of a DNA profile, an information

20 20 or indictment shall be found within three years from the date

20 21 the identity of the person is identified by the person's DNA

20 22 profile, whichever is later.

20 23 3. As used in this section, "identified" means a person's

20 24 legal name is known and the person has been determined to be

20 25 the source of the DNA.

20 26 Sec. 37. Section 901.5, Code 2005, is amended by adding

20 27 the following new subsection:

20 28 NEW SUBSECTION. 13. In addition to any other sentence or

20 29 other penalty imposed against the defendant, the court shall

20 30 impose a special sentence if required under section 903B.0A or

20 31 903B.0B.

20 32 Sec. 38. NEW SECTION. 902.15 ENHANCED PENALTY == SEXUAL

20 33 ABUSE OR LASCIVIOUS ACTS WITH A CHILD.

20 34 1. A person commits a class "A" felony if the person

20 35 commits a second or subsequent offense involving any

21 1 combination of the following offenses:

21 2 a. Sexual abuse in the second degree in violation of

21 3 section 709.3.

21 4 b. Sexual abuse in the third degree in violation of

21 5 section 709.4.

21 6 c. Lascivious acts with a child in violation of section

21 7 709.8, subsection 1 or 2.

21 8 2. In determining if a violation charged is a second or

21 9 subsequent offense for purposes of criminal sentencing in this

21 10 section, each previous violation on which conviction or

21 11 deferral of judgment was entered prior to the date of the

21 12 violation charged shall be considered and counted as a

21 13 separate previous offense, regardless of whether the previous

21 14 offense occurred before, on, or after the effective date of

21 15 this Act. Convictions or the equivalent of deferred judgments

21 16 for violations in any other states under statutes

21 17 substantially corresponding to the offenses listed in

21 18 subsection 1 shall be counted as previous offenses. The

21 19 courts shall judicially notice the statutes of other states

21 20 which define offenses substantially equivalent to the offenses

21 21 listed in subsection 1 and can therefore be considered

21 22 corresponding statutes.

21 23 Sec. 39. NEW SECTION. 903B.0A SPECIAL SENTENCE == CLASS

21 24 "B" OR CLASS "C" FELONIES.

21 25 A person convicted of a class "C" felony or greater offense
21 26 under chapter 709, or a class "C" felony under section 728.12,
21 27 shall also be sentenced, in addition to any other punishment
21 28 provided by law, to a special sentence committing the person
21 29 into the custody of the director of the Iowa department of
21 30 corrections for the rest of the person's life, with
21 31 eligibility for parole as provided in chapter 906. The
21 32 special sentence imposed under this section shall commence
21 33 upon completion of the sentence imposed under any applicable
21 34 criminal sentencing provisions for the underlying criminal
21 35 offense and the person shall begin the sentence under
22 1 supervision as if on parole. The person shall be placed on
22 2 the corrections continuum in chapter 901B, and the terms and
22 3 conditions of the special sentence, including violations,
22 4 shall be subject to the same set of procedures set out in
22 5 chapters 901B, 905, 906, and chapter 908, and rules adopted
22 6 under those chapters for persons on parole. The revocation of
22 7 release shall not be for a period greater than two years upon
22 8 any first revocation, and five years upon any second or
22 9 subsequent revocation. A special sentence shall be considered
22 10 a category "A" sentence for purposes of calculating earned
22 11 time under section 903A.2.

22 12 Sec. 40. NEW SECTION. 903B.0B SPECIAL SENTENCE == CLASS
22 13 "D" FELONIES OR MISDEMEANORS.

22 14 A person convicted of a misdemeanor or a class "D" felony
22 15 offense under chapter 709, section 726.2, or section 728.12
22 16 shall also be sentenced, in addition to any other punishment
22 17 provided by law, to a special sentence committing the person
22 18 into the custody of the director of the Iowa department of
22 19 corrections for a period of ten years, with eligibility for
22 20 parole as provided in chapter 906. The special sentence
22 21 imposed under this section shall commence upon completion of
22 22 the sentence imposed under any applicable criminal sentencing
22 23 provisions for the underlying criminal offense and the person
22 24 shall begin the sentence under supervision as if on parole.
22 25 The person shall be placed on the corrections continuum in
22 26 chapter 901B, and the terms and conditions of the special
22 27 sentence, including violations, shall be subject to the same
22 28 set of procedures set out in chapters 901B, 905, 906, and 908,
22 29 and rules adopted under those chapters for persons on parole.
22 30 The revocation of release shall not be for a period greater
22 31 than two years upon any first revocation, and five years upon
22 32 any second or subsequent revocation. A special sentence shall
22 33 be considered a category "A" sentence for purposes of
22 34 calculating earned time under section 903A.2.

22 35 Sec. 41. Section 903B.1, subsection 3, Code 2005, is
23 1 amended by striking the subsection.

23 2 Sec. 42. Section 906.15, unnumbered paragraph 1, Code
23 3 2005, is amended to read as follows:

23 4 Unless sooner discharged, a person released on parole shall
23 5 be discharged when the person's term of parole equals the
23 6 period of imprisonment specified in the person's sentence,
23 7 less all time served in confinement. Discharge from parole
23 8 may be granted prior to such time, when an early discharge is
23 9 appropriate. The board shall periodically review all paroles,
23 10 and when the board determines that any person on parole is
23 11 able and willing to fulfill the obligations of a law-abiding
23 12 citizen without further supervision, the board shall discharge
23 13 the person from parole. A parole officer shall periodically
23 14 review all paroles assigned to the parole officer, and when
23 15 the parole officer determines that any person assigned to the
23 16 officer is able and willing to fulfill the obligations of a
23 17 law-abiding citizen without further supervision, the officer
23 18 may discharge the person from parole after notification and
23 19 approval of the district director and notification of the
23 20 board of parole. In any event, discharge from parole shall
23 21 terminate the person's sentence. If a person has been
23 22 sentenced to a special sentence under section 903B.0A or
23 23 903B.0B, the person may be discharged early from the sentence
23 24 in the same manner as any other person on parole. However, a

23 25 person convicted of a violation of section 709.3, 709.4, or
23 26 709.8 committed on or with a child, or a person serving a
23 27 sentence under section 902.12, shall not be discharged from
23 28 parole until the person's term of parole equals the period of
23 29 imprisonment specified in the person's sentence, less all time
23 30 served in confinement.

23 31 Sec. 43. Section 908.5, Code 2005, is amended to read as
23 32 follows:

23 33 908.5 DISPOSITION.

23 34 1. If a violation of parole is established, the

23 35 administrative parole judge may continue the parole with or
24 1 without any modification of the conditions of parole. The
24 2 administrative parole judge may revoke the parole and require
24 3 the parolee to serve the sentence originally imposed, or may
24 4 revoke the parole and reinstate the parolee's work release
24 5 status.
24 6 2. If the person is serving a special sentence under
24 7 chapter 903B, the administrative parole judge may revoke the
24 8 release. Upon the revocation of release, the person shall not
24 9 serve the entire length of the special sentence imposed, and
24 10 the revocation shall be for a period not to exceed two years
24 11 in a correctional institution upon a first revocation and for
24 12 a period not to exceed five years in a correctional
24 13 institution upon a second or subsequent revocation.
24 14 3. The order of the administrative parole judge shall
24 15 contain findings of fact, conclusions of law, and a
24 16 disposition of the matter.

24 17 DIVISION IV

24 18 VICTIM RIGHTS

24 19 Sec. 44. NEW SECTION. 235D.1 CRIMINAL HISTORY CHECK ==
24 20 APPLICANTS AT DOMESTIC ABUSE OR SEXUAL ASSAULT CENTERS.

24 21 An applicant for employment at a domestic abuse or sexual
24 22 assault center shall be subject to a national criminal history
24 23 check through the federal bureau of investigation. The
24 24 domestic abuse or sexual assault center shall request the
24 25 criminal history check and shall provide the applicant's
24 26 fingerprints to the department of public safety for submission
24 27 through the state criminal history repository to the federal
24 28 bureau of investigation. The applicant shall authorize
24 29 release of the results of the criminal history check to the
24 30 domestic abuse or sexual assault center. The applicant shall
24 31 pay the actual cost of the fingerprinting and criminal history
24 32 check, if any. Unless the criminal history check was
24 33 completed within the ninety calendar days prior to the date
24 34 the application is received by the domestic abuse or sexual
24 35 assault center, the center shall reject and return the
25 1 application to the applicant. The results of a criminal
25 2 history check conducted pursuant to this subsection shall not
25 3 be considered a public record under chapter 22. For purposes
25 4 of this section, "domestic abuse or sexual assault center"
25 5 means a crime victim center as defined in section 915.20A.

25 6 Sec. 45. NEW SECTION. 709.22 PREVENTION OF FURTHER
25 7 SEXUAL ASSAULT == NOTIFICATION OF RIGHTS.

25 8 If a peace officer has reason to believe that a sexual
25 9 assault as defined in section 915.40 has occurred, the officer
25 10 shall use all reasonable means to prevent further violence
25 11 including but not limited to the following:

25 12 1. If requested, remaining on the scene of the alleged
25 13 sexual assault as long as there is a danger to the victim's
25 14 physical safety without the presence of a peace officer,
25 15 including but not limited to staying in the dwelling unit, or
25 16 if unable to remain on the scene, assisting the victim in
25 17 leaving the residence.

25 18 2. Assisting a victim in obtaining medical treatment
25 19 necessitated by the sexual assault, including providing
25 20 assistance to the victim in obtaining transportation to the
25 21 emergency room of the nearest hospital.

25 22 3. Providing a victim with immediate and adequate notice
25 23 of the victim's rights. The notice shall consist of handing
25 24 the victim a copy of the following statement written in
25 25 English and Spanish, asking the victim to read the statement,
25 26 and asking whether the victim understands the rights:

25 27 "You have the right to ask the court for help with any of
25 28 the following on a temporary basis:

25 29 a. Keeping your attacker away from you, your home, and
25 30 your place of work.

25 31 b. The right to stay at your home without interference
25 32 from your attacker.

25 33 c. The right to seek a no-contact order under section
25 34 709.20 or 915.22, if your attacker is arrested for sexual
25 35 assault.

26 1 You have the right to register as a victim with the county
26 2 attorney under section 915.12.

26 3 You have the right to file a complaint for threats,
26 4 assaults, or other related crimes.

26 5 You have the right to seek restitution against your
26 6 attacker for harm to you or your property.

26 7 You have the right to apply for victim compensation.

26 8 You have the right to contact the county attorney or local
26 9 law enforcement to determine the status of your case.

26 10 If you are in need of medical treatment, you have the right

26 11 to request that the officer present assist you in obtaining
26 12 transportation to the nearest hospital or otherwise assist
26 13 you.

26 14 You have the right to a sexual assault examination
26 15 performed at state expense.

26 16 If you believe that police protection is needed for your
26 17 physical safety, you have the right to request that the
26 18 officer present remain at the scene until you and other
26 19 affected parties can leave or until safety is otherwise
26 20 ensured."

26 21 The notice shall also contain the telephone numbers of
26 22 shelters, support groups, and crisis lines operating in the
26 23 area.

26 24 4. A peace officer is not civilly or criminally liable for
26 25 actions taken in good faith pursuant to this section.

26 26 Sec. 46. Section 915.10, subsections 1 and 2, Code 2005,
26 27 are amended to read as follows:

26 28 1. "Notification" means mailing by regular mail or
26 29 providing for hand delivery of appropriate information or
26 30 papers. However, this notification procedure does not
26 31 prohibit an office, agency, or department from also providing
26 32 appropriate information to a registered victim by telephone,
26 33 electronic mail, or other means.

26 34 2. "Registered" means having provided the county attorney
26 35 with the victim's written request for registration and current
27 1 mailing address and telephone number. If an automated victim
27 2 notification system is implemented pursuant to section
27 3 915.10A, "registered" also means having filed a request for
27 4 registration with the system.

27 5 Sec. 47. NEW SECTION. 915.10A AUTOMATED VICTIM
27 6 NOTIFICATION SYSTEM.

27 7 1. An automated victim notification system may be utilized
27 8 to assist public officials in informing crime victims, the
27 9 victim's family, or other interested persons as provided in
27 10 this subchapter and where otherwise specifically provided.
27 11 The system shall disseminate the information to registered
27 12 users through telephonic, electronic, or other means of
27 13 access.

27 14 2. An office, agency, or department may satisfy a
27 15 notification obligation to registered victims required by this
27 16 subchapter through participation in the system to the extent
27 17 information is available for dissemination through the system.
27 18 Nothing in this section shall relieve a notification
27 19 obligation under this subchapter due to the unavailability of
27 20 information for dissemination through the system.

27 21 3. Notwithstanding section 232.147, information concerning
27 22 juveniles charged with a felony offense shall be released to
27 23 the extent necessary to comply with this section.

27 24 Sec. 48. Section 915.11, Code 2005, is amended to read as
27 25 follows:

27 26 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.

27 27 A local police department or county sheriff's department
27 28 shall advise a victim of the right to register with the county
27 29 attorney, and shall provide a request-for-registration form to
27 30 each victim. If an automated victim notification system is
27 31 available pursuant to section 915.10A, a local police
27 32 department or county sheriff's department shall provide a
27 33 telephone number and website to each victim to register with
27 34 the system.

27 35 Sec. 49. Section 915.12, Code 2005, is amended to read as
28 1 follows:

28 2 915.12 REGISTRATION.

28 3 ~~1. The county attorney shall be the sole registrar of~~
28 4 ~~victims under this subchapter.~~

28 5 ~~2. 1. A victim may register by filing a written request=~~
28 6 ~~for=registration form with the county attorney. The county~~
28 7 ~~attorney shall notify the victims in writing and advise them~~
28 8 ~~of their registration and rights under this subchapter.~~

28 9 ~~3. The county attorney shall provide a registered victim~~
28 10 ~~list to the offices, agencies, and departments required to~~
28 11 ~~provide information under this subchapter for notification~~
28 12 ~~purposes.~~

28 13 2. If an automated victim notification system is available
28 14 pursuant to section 915.10A, a victim, the victim's family, or
28 15 other interested person may register with the system by filing
28 16 a request for registration through written, telephonic, or
28 17 electronic means.

28 18 ~~4. 3. Notwithstanding chapter 22 or any other contrary~~
28 19 ~~provision of law, a victim's the registration of a victim,~~
28 20 ~~victim's family, or other interested person shall be strictly~~
28 21 ~~maintained in a separate confidential file or other~~

28 22 confidential medium, and shall be available only to the
28 23 offices, agencies, and departments required to provide
28 24 information under this subchapter.
28 25 Sec. 50. Section 915.29, Code 2005, is amended by adding
28 26 the following new unnumbered paragraph:
28 27 NEW UNNUMBERED PARAGRAPH. The notification required
28 28 pursuant to this section may occur through the automated
28 29 victim notification system referred to in section 915.10A to
28 30 the extent such information is available for dissemination
28 31 through the system.
28 32 Sec. 51. Section 915.45, Code 2005, is amended by adding
28 33 the following new unnumbered paragraph:
28 34 NEW UNNUMBERED PARAGRAPH. The notification required
28 35 pursuant to this section may occur through the automated
29 1 victim notification system referred to in section 915.10A to
29 2 the extent such information is available for dissemination
29 3 through the system.

29 4 DIVISION V
29 5 TASK FORCE

29 6 Sec. 52. SEX OFFENDER TREATMENT AND SUPERVISION TASK
29 7 FORCE.

29 8 1. The division of criminal and juvenile justice planning
29 9 shall establish a task force to study and make periodic
29 10 recommendations for treating and supervising sex offenders in
29 11 correctional institutions and in the community. The task
29 12 force shall file a report with recommendations with the
29 13 general assembly by January 15, 2006. The task force shall
29 14 study the effectiveness of electronic monitoring and the
29 15 potential effects and costs associated with the special
29 16 sentence created in this Act. The task force shall study risk
29 17 assessment models created for sex offenders. The task force
29 18 shall also review this state's efforts and the efforts of
29 19 other states to implement treatment programs and make
29 20 recommendations as to the best treatment options available for
29 21 sex offenders. The task force shall also develop a plan to
29 22 integrate state government databases for the purpose of
29 23 updating addresses of persons on the sex offender registry.

29 24 2. Members of the task force shall include members of the
29 25 general assembly selected by the legislative council and
29 26 representatives of the following:

- 29 27 a. One representative from the state department of
29 28 transportation.
29 29 b. One representative of the Iowa civil liberties union.
29 30 c. One representative of the department of human services.
29 31 d. One representative of the department of public safety.
29 32 e. One representative of the Iowa state sheriffs and
29 33 deputies association.
29 34 f. One representative of the Iowa county attorneys
29 35 association.
30 1 g. One representative of the department of corrections.
30 2 h. One representative of the board of parole.
30 3 i. One representative of a judicial district department of
30 4 correctional services.
30 5 j. One representative of the department of justice.
30 6 k. One representative of the state public defender.
30 7 l. One representative of the Iowa coalition against sexual
30 8 assault.

30 9 DIVISION VI
30 10 SEVERABILITY CLAUSE

30 11 Sec. 53. SEVERABILITY CLAUSE. If any provision of this
30 12 Act or its application to any person or circumstance is held
30 13 invalid, the invalidity does not affect other provisions or
30 14 application of this Act which can be given effect without the
30 15 invalid provision or application, and to this end the
30 16 provisions of this Act are severable.

30 17 DIVISION VII
30 18 STATE MANDATE

30 19 Sec. 54. IMPLEMENTATION OF ACT. Section 25B.2, subsection
30 20 3, shall not apply to this Act.

30 21
30 22
30 23
30 24 _____
30 25 CHRISTOPHER C. RANTS
30 26 Speaker of the House
30 27

30 28
30 29 _____
30 30 JOHN P. KIBBIE
30 31 President of the Senate
30 32

30 32 I hereby certify that this bill originated in the House and

30 33 is known as House File 619, Eighty-first General Assembly.

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MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2005

THOMAS J. VILSACK

Governor